REMARKS

I.   Summary of Office Action

In the office action mailed March 17, 2009, the Examiner rejected claims 13, 15-22, 24-36, 38-41, 52-53, and 55-56. The Examiner objected to the Specification under 37 CFR 1.75(d)(1) and MPEP § 608.01(o) as failing to provide proper antecedent basis for the claimed "computer readable media."

Claims 13, 17, 19-22, 25, 27-32, 36, 39-40, 52-53 and 55 were rejected under 35 U.S.C. § 102(e) as being unpatentable by Susskind, U.S. Patent Application Publication 2001/0046366 (hereinafter Susskind). Claim 56 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Susskind. Claims 15-16, 18 and 33-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Susskind in view of Paroz, U.S. Patent 6,587,125 (hereinafter Paroz). Claims 24 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Susskind in view of Cao, U.S. Patent 6,782,550 (hereinafter Cao). Claims 26 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Susskind in view of Venkatraman et al., U.S. Patent 5,956,487 (hereinafter Venkatraman).

II.   Status of Claims

Pending are claims 13, 15-22, 24-36, 38-41, 52-53, and 55-56. In this response, claims 52 and 53 have been amended to "computer readable storage medium."

III.   Response to the Objections to the Specification

The Examiner objected to the Specification under 37 CFR 1.75(d)(1) and MPEP § 608.01(o) as failing to provide proper antecedent basis for the claimed "computer readable

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medium." Claims 52 and 53 have been amended to refer to "computer readable storage medium."

IV. Response to 35 U.S.C. § 102 Rejections

A. Independent Claims 13, 27, 52, 53, and 55 are Allowable Over Susskind

For the following reasons, the applicant respectfully traverses these rejections and requests reconsideration.

Applicant's pending application relates to the remote operation of a digital video recorder (DVR). Each of the independent claims recites that that commands for operating the DVR are sent in response to a request *from the DVR itself*. For instance, claim 13 calls for "the web-hosted application, *in response to a request from the digital video recorder*, transmits the commands to the digital video recorder." The remaining independent claims 27, 52, 53, and 55 all include similar claim language "in response to a request from the digital video recorder, transmits the commands to the digital video recorder."

In contrast, the cited Susskind prior art does not teach transmitting commands to the digital video recorder in response to "a request from the digital video recorder." Susskind teaches separately "maintaining and keeping the *state of a user account representing the settings* of a discrete user of a discrete DVR" from the "system also accumulates each user's requests for the *recording of specific programs*." Abstract, paras. [0036], [0041], [0046]. As a consequence, Susskind distinguishes between how the *settings of user accounts* are maintained and updated with the Video Recording Device, from *actual requests or commands* for the Video Recording Device to record programs.

Susskind teaches updating the settings of the Video Recording Device (user account settings) upon a ping from the Video Recording Device (para. [0046]). In comparison, for actual

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command requests sent to control the DVR, Susskind does not update a command request upon a ping from the Video Recording Device. Rather, Susskind teaches that the Cron Server 44 initiates the transmission of recording commands without prompting from the Video Recording Device 45. The Cron Server 44 retrieves commands from the Database 43 and then the Cron Server "passes them on to the Video Recording Device 45" (para. [0051]), as the specification states:

> At some later time pre-scheduled time, or interactively depending upon the implementation, Cron Server 44 contacts Video Recording Device 45 (the discreetly identified VRD associated with the account of the User 41 in Database 43) and requests updated status data including current programming requests and currently stored video programs. . . . Cron Server 44 then retrieves any new recording requests (or other command settings changes) from Database 43 data into the user account of the Database 43 and then passes them on to the Video Recording Device 45 . . .

Para. [0051].

Figure 4 of Susskind further makes clear that the commands are not sent from the Cron Server 44 "in response to a request from the digital video recorder." Figure 4 shows the interactions between the "User" on the far left with the "Video Recording Device" on the far right of the figure. In between, the interaction between the various servers and database are shown.

A review of Figure 4 clearly shows that the User initiates requests. Moreover, Figure 4 shows the Cron Server "Send[s] New Recording Requests" to the Video Recording Device instead of responding to a request from the Video Recording Device.
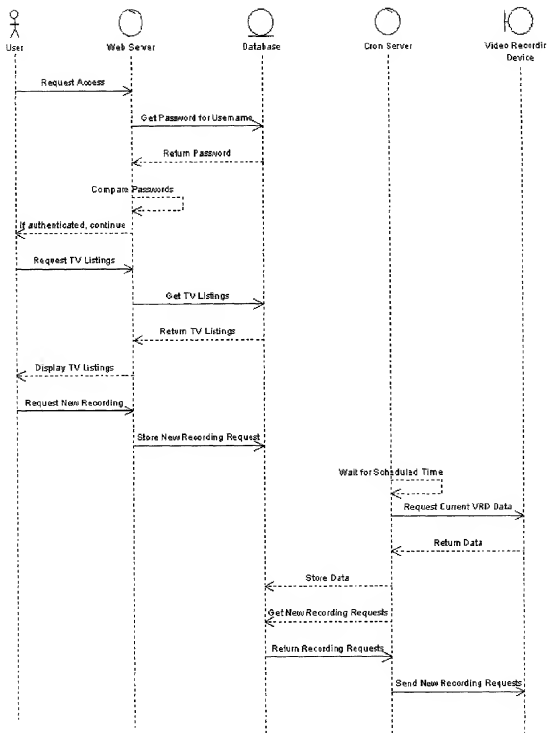
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Figure 4

Thus, Susskind does not anticipate any of the independent claims.

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V.   Response to 35 U.S.C. § 103 Rejections

Because all the independent claims 13, 27, 52, 53 and 55 are allowable, each of the

dependent claims 15-22, 24-26, 28-36, 38-41 and 56 are allowable as well.

VI.   Conclusion

Applicant respectfully submits that, in view of the remarks above, each of the pending

claims 13, 15-22, 24-36, 38-41, 52-53, 55 and 56 are allowable.

Applicant, therefore, respectfully requests withdrawal of the current rejections. The

Examiner is invited to call the undersigned at (312) 913-2134 with any questions or comments.

Respectfully submitted,

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